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25th CONGRESS,
3d Session.

Rep. No. 301.

Ho. of Reps.

TRADE WITH NOVA SCOTIA AND NEW BRUNSWICK, &c.

—
FEBRUARY 25, 1839.

Read, and laid upon the table.
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MR. HOWARD, from the Committee on Foreign Affairs, submitted the following

REPORT:

The Committee on Foreign Affairs, to which were referred sundry resolutions of the Legislature of the State of Maine, in relation to the commercial intercourse between the United States and the British provinces of Nova Scotia and New Brunswick, and sundry petitions and memorials from citizens of Maine upon the same subject, have had the same under consideration, and offer the following report :

These papers were before the committee at the last session of Congress, but the information which they contained was so imperfect that no conclusion could be drawn from them, or from any other sources within the reach of the committee. It will be seen, in the sequel, that there is still the same deficiency of exact information; yet it may be due to the importance of the subject, and the respectability of the quarters from which an anxiety has been expressed to have some report upon the matter, that such reflections as are justified by the papers before the committee should be now offered to the consideration of the House.

The resolutions of the Legislature of Maine are as follows:

STATE OF MAINE.

Resolves in relation to the commercial intercourse between the United States and the British Provinces of Nova Scotia and New Brunswick.

Whereas, by the proclamation of the President of the United States, being thereto authorized by law, the ports of the United States were opened to vessels of Great Britain and their cargoes, from the British colonial ports of Nova Scotia and New Brunswick, without the requirement on the part of the British Government to open the ports of said colonies to vessels of the United States: and whereas the ports now open in said provinces can at any moment be closed against the admission of all American vessels, without conflicting with any commercial arrangement or treaty stipulation between the United States and the British Government: and whereas American vessels are entirely excluded from all the ports at which the principal exports of said provinces can be directly obtained: therefore,

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Resolved, That the interests of the State of Maine require that all the ports in the provinces of Nova Scotia and New Brunswick, which are now, or may hereafter be, ports for the delivery and reception of cargoes for British vessels, be made ports of entry for the delivery and reception of cargoes for American vessels, or that the ports of the United States should be closed against British vessels coming from said provinces.

Resolved, That our Senators and Representatives in Congress be requested to exert their influence in obtaining the object contemplated by the foregoing resolve.

Resolved, That the Governor be requested to transmit copies of the above resolutions to the President, and to each of our Senators and Representatives in Congress.

The principal complaint in these resolutions appears to be, that "American vessels are entirely excluded from all the ports at which the principal exports of said provinces can be directly obtained." In the petitions, the same allegation is made in these words: "The fact is, that only such colonial ports have been opened as would surrender to our vessels the least possible amount of the carrying-trade, while the arrangement gives British colonial vessels constant and lucrative employment. This is peculiarly the case in the immense trade in plaster, carried on between Nova Scotia and the United States;" and the petitioners conclude with praying "that such action may be had upon the subject as will oblige Great Britain to perform her part of the arrangement, by opening all her colonial ports, as required by the act of Congress of May 29, 1830, or that said act be repealed, and your petitioners restored to the possession of their former rights and privileges."

The first point to which the attention of the committee was directed in the course of their inquiries, was, whether the evil complained of arises from any proceeding of the British Government adopted subsequently to the arrangement of 1830, or follows from the general settlement of the colonial trade question, under the act of Congress of 29th May, of that year. Although the United States and Great Britain respectively reserved the right of regulating their commerce within their own jurisdictions, yet, if any material change has been made by Great Britain from the position in which the arrangement of 1830 left the trade between the two countries, and injury results to our commerce from such deviation, it wou'd be worthy of grave consideration how far, and in what manner, the legislation of Congress should meet the new state of things. But it is not possible to derive any satisfactory knowledge upon this point from the papers referred to the committee, or any other which are accessible.

The inquiries which the committee have made, only tend to throw around the subject additional obscurity, because they are unable to reconcile the existence of the facts stated with the legal enactments of Great Britain. The grievance complained of is thus set forth by the collector of the district of Passamaquoddy, from whom information was requested:

"There are only two ports in the Bay of Fundy to which American vessels are allowed to go and trade on the same terms as British vessels, viz: St. John's and St. Andrew's. There are two or three other ports to which American vessels may go, and trade under certain restrictions, but neither plaster, grindstones, nor wood, which constitute almost the entire trade of the Bay of Fundy with the United States, is shipped from either of those ports."

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It is necessary to recur to the situation in which the trade between the United States and the British provinces was placed by the arrangement of 1830.

The act of Parliament of 1825, 6th of George IV, ch. 114, declared that the following ports in the British North American possessions should be considered "free ports," and opened to foreign trade upon certain conditions :

St. John's and St. Andrew's, in New Brunswick.	
Halifax,	Nova Scotia.
Quebec,	Canada.
St. John's,	Newfoundland.

The circumstances indicated in this act as those in which the King should open these ports, did not occur until 1830, when the passage of the act of Congress of 29th of May, and proclamation of the President of the United States, made an appropriate case for the exercise of the power : and on the 6th November, 1830, an order was issued by the King in council, throwing open the ports mentioned in the statute of 1825. This order declared "that the ships of and belonging to the United States of America might import from the United States, into the British possessions abroad, goods, the produce of those States, and *might export goods from the British possessions abroad, to be carried to any foreign country whatever.*"

The regulation of this trade was made more specific by an act of Parliament passed in 1833, 3d and 4th of William IV, chapter 59, which purported to re-enact and consolidate the several acts to regulate the trade of the British possessions abroad. By this act, the following ports, in addition to those above mentioned, were declared "free ports" and opened to foreign trade, viz:

- Pictou, in Nova Scotia.
- Sydney, in Cape Breton.
- Charlotte Town, in Prince Edward's island.

The second section of the act is as follows :

"No goods shall be imported into, nor shall any goods, except the produce of the fisheries in British ships, be exported from, any of the British possessions in America by sea, from or to any place other than the United Kingdom, or some other such possessions, except into or from the several ports in such possessions called "free ports," enumerated and described in the table following"—(specifying the ports above mentioned.)

The committee are unable to find any subsequent law or order of the British authorities, changing the basis upon which the trade is thus placed. By these acts of Parliament, certain ports in the British American possessions are thrown open for British and American vessels, which are equally at liberty to bring from them any article which is produced in those possessions; and as to all other ports, neither British nor American vessels are allowed to export any thing from them to the United States, except that British vessels are permitted to bring the produce of the British fisheries, concerning which nothing is said in the papers under consideration. As far, therefore, as the acts of Parliament go, the British Government seems to have carried out the arrangement of 1830, by opening the "free ports" to British and American vessels equally, and closing the other ports to them both, with the exception above mentioned. If these acts are enforced, the committee cannot perceive how British vessels can bring plas-

ter or any other article from ports with which American vessels are not allowed to trade, because the custom-house officers, in granting a clearance for the United States from any other than one of the "free ports," would violate the act of Parliament of 1833. It is possible that, with respect to the trade in plaster, the article may be obtained from the banks of rivers and inlets into which British vessels penetrate, and take in a cargo where no port, or even town, exists. If they then carry their loading to one of the "free ports," and, without discharging the cargo, obtain a clearance for the United States, it may account for the statement that American vessels cannot procure plaster, &c., at those ports from which it is shipped in British vessels. But, if this is so, the disability does not arise from the legislation of the British Government.

In order to obtain accurate information as to the actual state of the case, the committee offer to the House the following resolutions:

Resolved, That the Secretary of the Treasury be directed to report to the House of Representatives, as early as practicable at the next session of Congress, whatever information there may be accessible to his Department, to show the effect and operation of the existing arrangements between the United States and Great Britain, regulating the trade between this country and the British American colonies, and especially in regard to the following points, viz :

1. Into what parts and places of the British colonies in the West Indies, and elsewhere in America, the vessels of the United States are admitted on the same terms that British vessels are admitted into all the ports of the United States; and for the importation or exportation of what descriptions of merchandise.

2. Whether the ports of the British colonies have been opened to the vessels of the United States, and continue open, in the true sense of the act of Congress of May 29, 1830, and of the proclamation of the President of the United States of October 5, 1830, founded on said act.

3. The relative amount of tonnage, British and American, entered and cleared, for each of the several years from 1828 to 1838, inclusive, in all the ports of the United States.